

1  
2  
3  
4  
5  
6 **UNITED STATES DISTRICT COURT**  
7 **DISTRICT OF NEVADA**  
8

9 CARL KINCAID, ) 3:12-cv-00482-MMD-WGC  
10 Plaintiff, )  
11 vs. ) **ORDER**  
12 WASHOE COUNTY, et al., )  
13 Defendants. )  
14

15 Before the court is the parties' Stipulation to Stay Proceedings (Doc. # 54<sup>1</sup>) in which the parties  
16 seek to defer further activity in this action pending a decision by an arbitrator in a related state  
17 proceeding. The arbitration took place on April 2 and 3, 2015, and "post arbitration briefing will occur  
18 30 days after receipt of the transcripts." In a concomitant motion for an extension of time to file a motion  
19 for summary judgment (Doc. # 55), Defendants represent post arbitration briefing is due on May 29,  
20 2015, and that it is expected that the arbitrator will issue an opinion in 30 to 60 days after briefing. (Doc.  
21 # 55 at 2.)

22 As Defendants' motion also points out, this case has been impacted on several prior occasions  
23 secondary to the arbitration and state court judicial proceedings regarding the arbitration. (*Id.*, at 2-3.)  
24 This court envisions that following the latest arbitrator's decision (expected to be rendered the end of  
25 June or July), another petition for judicial review of the arbitration decision could be commenced by the  
26 non-prevailing party, after which yet another appeal to the Nevada Supreme Court would likely occur.  
27 Thus, the stay the parties are seeking could take this case into 2016 or beyond.  
28

---

<sup>1</sup> Refers to court's docket number.

1       The court is reluctant to indefinitely stay this case. Nevertheless, the court sees certain merit in  
2 the parties' suggestion that the results of the arbitration could "fully frame the issues before the court."  
3 (Doc. # 54 at 2.) Therefore, the court **GRANTS** the parties' stipulation to stay proceedings (Doc. # 54),  
4 at least temporarily, and also **GRANTS** Defendants' motion to extend time to file a motion for summary  
5 judgment (Doc. # 55). However, the court will address the duration of the stay and further scheduling  
6 of this case at a status conference to be calendared by the courtroom administrator. In advance of the  
7 status conference, the court requests the parties to discuss consideration of a dismissal without prejudice  
8 of Plaintiff's action, perhaps accompanied with a tolling agreement.

9 **IT IS SO ORDERED.**

10 DATED: May 21, 2015.

11   
12 WILLIAM G. COBB  
13 UNITED STATES MAGISTRATE JUDGE

14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28